

Cincinnati, Dec. 1, 1881.—17



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S. E. FARRIN, General Newspaper Agent, South-west corner of Columbia and Main Streets, Cincinnati, Ohio, is the authorized Agent for this paper, and is duly empowered to take advertisements and subscriptions at the rates required by us.

Democratic State Ticket.

FOR GOVERNOR,  
JOSEPH A. WRIGHT, of Parke County.

FOR LIEUTENANT GOVERNOR,  
ASHBEL P. WILLARD, of Floyd County.

FOR SECRETARY OF STATE,  
NEHEMIAH HAYDEN, of Rush County.

FOR AUDITOR OF STATE,  
JOHN P. DUNN, of Perry County.

FOR TREASURER OF STATE,  
ELIJAH NEWLAND, of Washington County.

FOR JUDGES OF THE SUPREME COURT,  
WILLIAM Z. STUART, of Cass County,  
ANDREW DAVIDSON, of Deacon County,  
SAMUEL E. PERKINS, of Marion County,  
ADISON L. ROACHE, of Parke County.

FOR REPORTERS OF THE SUPREME COURT,  
HORACE E. CARTER, of Montgomery County.

FOR CLERK OF THE SUPREME COURT,  
WILLIAM B. BEACH, of Boone County.

FOR SUPERINTENDENT OF PUBLIC INSTRUCTION,  
WM. C. LARRABEE, of Putnam County.

Democratic Electoral Ticket.

STATE AT LARGE,  
JOHN PETTIT, of Tippecanoe County,  
JAMES H. LANE, of Dearborn County.

DISTRICT ELECTORS.

First—BENJ. R. EDMONSTON, of Dubois County.  
Second—JAMES S. ATHON, of Clark County.  
Third—JOHN A. HENDRICKS, of Jefferson County.  
Fourth—EUGENE DUMONT, of Dearborn Co.  
Fifth—WILLIAM ROSE, of Hamilton County.  
Sixth—WILLIAM J. BROWN, of Marion County.  
Seventh—OLIVER P. DAVIS, of Vermillion County.  
Eighth—LORENZO C. DOUGHERTY, of Boone Co.  
Ninth—NORMAN EDDY, of St. Joseph County.  
Tenth—REUBEN J. DAWSON, of DeKalb County.  
Eleventh—JAMES F. McDOWELL, of Grant County.

Adjournment.

The General Assembly has resolved to adjourn on the 10th instant to meet again on the 20th of April. A committee of two on the part of the Senate and four on the part of the House of Representatives, has been appointed, who will remain in session during the recess for the purpose of preparing and collating the business ready for the action of the two Houses when they again assemble. Messrs. Eddy and Hester have been appointed on the part of the Senate, and Messrs. Gibson, English, Bryant and Lindsay of Howard, on the part of the House. No per diem pay will be allowed the members during this recess, except to the members of the committee. During this recess, the committee will prepare all the unfinished business, and when the General Assembly again convenes, it will not require more than four weeks to pass on all the bills reported, and make the revision entirely complete, to correspond with the requisitions of the new Constitution.

Scott and the Compromise.

The Louisville Courier has at last obtained satisfactory evidence that Gen. Scott is in favor of the compromise. It appears a Mr. Paschall of St. Louis, but now in Washington, writes as follows:

"I take this occasion to say that all his doubts on this matter have been removed. GEN. SCOTT WAS THE FRIEND OF THE COMPROMISE MEASURES FROM THE START—ADVOCATED THEM AND ENFORCED THEM WHEREVER AN OPPORTUNITY OFFERED. HERE AND ELSEWHERE—AND CONTRIBUTED NOT A LITTLE TO SECURE THEIR ADOPTION. HIS VIEWS WITH REFERENCE TO THEM ARE STILL UNCHANGED—AND IF ELECTED TO THE OFFICE OF PRESIDENT, HE WILL ABIDE BY AND EXECUTE THEM."

This is the Whig mode of obtaining the opinions of a candidate for the Presidency. The Democratic method is to ask the man and he speaks out. The Whig method has this advantage; the friends of Scott in the North can deny that Paschall was ever authorized by Gen. Scott to make such an assertion; whilst his friends at the South will declare that it is perfectly satisfactory. What deception. Gen. Scott can speak and write, and there should be no second handed evidence in the case. A Democratic candidate for the Presidency occupying that position could not get one vote.

The Louisville Courier, the oldest Democratic newspaper in New Orleans, has been purchased by Hon. Emilio La Sere, late a member of Congress from New Orleans. It is published in English and French. Mr. La Sere is a fine writer and a sound and consistent Republican. As a member of Congress, with his colleagues in the House, he voted against the compromise measure, but he never was either a disunionist or a secessionist. On the subject of the Presidential Election he says:

"In view of the Presidential election, we deem it right to say that, whatever personal preferences we may entertain, we are not at all disposed to divide with the democratic party; but while we refrain from pressing the claims of any of the distinguished gentlemen spoken of in connection with the nomination, as impolitic, we shall carefully avoid anything like disparagement of the pretensions of each and all of them, for reasons obvious to every democrat. Whoever shall be selected by the united sentiment of the party to bear its standard, shall receive our cordial and enthusiastic support—a pledge which we have no hesitation in giving beforehand, satisfied as we are, that the convention at Baltimore will reaffirm the time honored principles of democracy, as embodied in the resolutions of 1844 and 1848."

The series of measures known as the Compromise is now the law of the land, and whatever differences of opinion heretofore existed among the members of the democratic party should be forgotten, and any attempt to revive them will be discontinued by us.

The election of Col. Weller, as a Senator in Congress from California, is a great political triumph. It is not only a triumph of the Democracy in California, but of the whole Union. Col. Weller's influence and talents will be felt in the national councils. He was appointed by President Polk commissioner to run the Mexican boundary line, but was shortly afterwards removed by President Taylor. Thus have the people of California and Oregon rebuked the administration by the election of Weller and Lane to Congress; one as a Senator, the other as a Delegate; and we only regret that the butcher Ewing, who made them the peculiar objects of his vengeance, as Secretary of the Interior and as Senator, is not now in the Senate in the place of Weller, when they might meet the slanderer face to face, and mete out to him that chastisement which his despicable conduct merits.

Fire in the News.

The Southern Whig press at the South whilst Gen. Scott is looking for the North for support, is pouring a terrible fire into his rear. His allies in relation to the adjustment measures, will find the entire South unless he speaks out, and that immediately. It has been said that he would soon write a letter defining his position; but the moment he does this, if he takes the compromise ground strong enough to secure the South, he loses the North. Seward who was originally a Webster man is now for Scott, because he is not committed on these measures; but the moment he commits himself, Seward declares that he will fall back on his original preference. In this state of "betweenness" he is compelled to stand. He can neither retreat or advance without losing the battle, and the present fire, unless checked will soon riddle his hull.

The Louisville Courier places at the head of its editorial column the names of Winfield Scott for President, and James C. Jones for Vice President; and thereupon Mr. Prentiss of the Journal, remarks:

"We perceive that a city paper has at its editorial head the names of Gen. Scott and Gov. Jones for the Presidency and Vice Presidency. There may be a state of case in which it will be both the duty and the pleasure of the Whigs of Kentucky to support Gen. Scott for the Presidency, but there is not a decent informed man here who does not know, that Gen. Scott, unless he were to pledge himself before the nation to support the Compromise, could not get the votes of even a tenth part of the Whigs of this State. The city paper, which we alluded to, unfurls the Scott flag whilst Scott occupies a position before the public, in which nearly or quite all of the Whigs of Kentucky would decline to support him."

If the Louisville Journal or any other Whig paper of political standing and influence were to pursue such a course, the astonishment and indignation of the Whig party would be aroused, but there are papers whose opinions are regarded with such utter indifference that they can say or do just what they please without provoking rebuke or even attracting attention.

Caved in.

The Whig friends of Mr. Fillmore and the compromise measures have caved in. Where is Sol. Meredith and Sam. Parker, James Riden and M. L. Bureddy, E. W. McGaughey and Thomas Dowling, Milton Gregg and Sam. Judah! Echo answers where! They are neither delegates to the National Convention nor Electors. R. W. Thompson, who was absent, was made an Elector. We should like to hear Richard making speeches against the compromise measures. Hear him explain away his letter to Senators Bright and Whitcomb, but he is a man of genius, and can easily do it. Dick will say, times have changed, and I have changed with them; all right.

The Washington correspondent of the Madisonian, who is the Editor, speaking of the debt of Mr. Hendricks, our Representative, says: "Mr. Hendricks, though quite a young man, is a pleasant speaker, and well versed in legal questions. He made a favorable impression upon the House. I predict for him an unbounded popularity and influence with his fellow-members, and a career of credit to himself and usefulness to his constituents. His only fault is his modesty which is rather a scarce article with politicians. He will get over it after a little more experience."

The Louisville Times is the title of a new Daily and Weekly Journal, just commenced at Louisville, Kentucky, by Messrs. Stapp, O'Hara and Howard. It is neatly printed, and edited with spirit and ability. In politics the Times is Democratic. We wish the Editors and Proprietors great success.

We learn from one of the Directors of the Madison and Indianapolis Railroad Company, that the Board of Directors of that road decided on yesterday, at a special meeting, to accept the proposition of the State to sell its interest, on the terms provided for in the bill which passed a few days since.

We are requested by Gov. Wright to say, that the double issue of treasury notes, amounting to some seven thousand dollars, already redeemed by the State, were not issued under the administration of Douglass Maguire, as Auditor of State, but were put into circulation under the administration of his predecessors.

Hon. A. H. Stephens, of Georgia, in a letter published a few days ago in the Augusta Chronicle and Sentinel, announces that he "is utterly opposed to sending delegates to the Baltimore Convention from the Constitutional Union party of Georgia."—Louisville Courier.

But he does not oppose sending delegates to the Whig Convention. What hypocrisy.

The Land Office at Fort Wayne has been discontinued and the vacant lands in that district will hereafter be entered at Indianapolis.

The Penitentiary Fire.

The late fire at the State Prison proved most disastrous to Mr. Patterson the lessee. His loss, we learn, is estimated at thirty thousand dollars, and that of the State at about half that sum. It does not appear that the fire was caused by any carelessness on the part of the case lessee or his agents. On the contrary, we are informed that Mr. P. employs trustworthy and efficient watchmen in every part of the building. The combustible nature of the materials of the portion of the building destroyed, the fact that the eastern were in the immediate vicinity of the place where the fire raged the fiercest, and that the number of fire engines in Jeffersonville was altogether inadequate to the emergency, renders the case a peculiarly hard one for Mr. Patterson, who, in addition to this, has suffered heavy losses from cholera and other sickness among the convicts. By the destruction of his machinery, tools, implements, &c., the lessee will necessarily lose the labor of a large number of his most productive hands till their place can be supplied and suitable buildings for shops erected.

We understand the citizens of Jeffersonville have, with great unanimity, determined to petition the Legislature to relieve Mr. Patterson from a portion of the heavy loss which he has thus sustained, by remitting the rent for a given period or until he can recover from the embarrassments into which he has been thrown by this calamity. We do not presume that any citizen could wish the State to stand by and see her agent bankrupted, when the fault is not providing fire proof buildings. We think, therefore, in view of all the circumstances that our citizens would be but doing an act of justice to an unfortunate agent of the State—who would be doing as they would wish to be done by under similar circumstances—by joining their fellow citizens of Jeffersonville in petitioning to the Legislature to grant Mr. Patterson such relief as, after a careful investigation of the circumstances of the fire and the amount of loss sustained, may be deemed proper and just.

We would here remark, too, that it would be economy for the State, in rebuilding that portion of the prison destroyed, to render fire proof.—New Albany Ledger.

What things are sending to the whig ranks to every day becoming more evident. A Washington correspondent of the N. Y. Tribune says of a whig national convention:

"It is plain enough already that a ripened public sentiment will only look to that convention to enunciate a forgoose conclusion. The aspect of affairs in the north, south, east and west, and the drift and tone of things here, all point with unerring certainty to this result. Gen. Scott will walk over the course."

Arm is arm with Seward—the latter might have added, now is Scott on the fugitive slave law—that's the question. G. F. HUGHES.

Winchell had an overflowing house again last night.

Decisions of the Supreme Court of Indiana.

NOVEMBER TERM, 1885.

REPORTED FOR THE STATE SENTINEL BY E. L. BOWMAN.

Michigan Central Railroad Company vs. Northern Indiana Railroad Company. On Appeal.

The President Judge of the Laporte Circuit Court, at his chambers, in vacation, granted an interlocutory decree, on the 23d day of August, 1885. On the 30th of August an appeal was taken to the Supreme Court. A motion was made to dismiss this appeal, on the ground that the statute does not authorize such an appeal. The statute declares that appeals to the Supreme Court shall be allowed to be taken from any interlocutory order or decree of any circuit or probate court in this State, &c.; and requires that the appeal shall be taken at the time when such order or decree is made.

Judge STUART held:

1. That the order in this case is an interlocutory decree of the circuit court, although it was made by a single judge in vacation, for the bill paying such order must be addressed to the court; it becomes a part of its record; it is enforced by its authority; that such orders were granted in the English courts, both in equity and common law, by a single judge, in vacation, and seem to have been acquiesced in, and to have the same effect as if made by the court in term. Eden on Int., p. 337; 4 Burr, 2570; 1 Taunt. 44; 4 Burr, 2570; 5 B. and A. 217; 7 Eng. C. L. R., 72.

2. That, although the order requires the appeal to be taken at the time the injunction is granted, yet courts have always construed such a phrase to mean such reasonable time as may be necessary to do the act required.

3. That the statute in authorizing appeals from any order or decree, embraced in its provisions those made in vacation, as well as in term, for the remedy granted by the appeal being, that no injury might be sustained by an improvident or an oppressive act of an inferior court, it would be unreasonable to suppose that the Legislature intended there was no danger of error or oppression from a single judge, or the associate judges, who sit separately in vacation.

4. That the words "this court" and "the judge," or "judges," are frequently used in our statutes as synonyms.

5. That the insufficiency of the appeal bond, and its not being filed in time, are matters on which the appellees may be heard on a motion to dismiss the appeal, as the appeal was granted without notice to them.

Motion overruled.

Harper vs. Delp. Appeal from the Parke Circuit Court.

Harper brought an action for slander against Delp. The declaration contained three counts, each of which was specially demurred to, and the demurrers sustained.

The plaintiff lived in the neighborhood of the defendant, was a young man lately married, and had not by his wife any children, and was the only young married man in that neighborhood. Andrew Scott had a blacksmith shop between the defendant's house and the house of Sarah Clove, and a person going from the house of the latter, by way of the shop, to the house of Delp, would pass by the plaintiff's house, and leave Martin Harper's farm on the right, Martin being the father of the plaintiff.

The first count detailed these facts, and contained averments to show that the slanderous words were spoken of and concerning the plaintiff, at, &c., to &c. The words spoken by the defendant are stated as follows:

"That his son Rial (meaning Erial Delp, the defendant's son) who had just had a child, was a young man (meaning the Sarah before mentioned,) and on the way home, (meaning on the way from the house of the said Sarah Clove to the house of the defendant,) he (meaning said Erial) saw a young man ravishing a cow. He (meaning said Erial) went by Scott's shop, and left Martin Harper's farm on the right, (meaning thereby that said Erial, in going from said Sarah's, as aforesaid, to the defendant's house, had gone by said blacksmith shop of said Scott, and had left the residence of said Martin Harper, the plaintiff's father, on his said Erial's right); and that between the shop and John Symmer's the act took place, (meaning thereby that the crime of bestiality and buggery with a cow had been committed between said blacksmith shop and the residence of said John Symmer); that this was a young married man, and his wife had no children, and did not like for any; and that he was so early in the morning that a person could not have got far from home." Thereby meaning, &c., and that the persons to whom the words were spoken and published did understand, &c.

The second count was similar to the first, and the third contained sets of words as follows:

"He (meaning the plaintiff) was seen a foul of a cow."

2nd. "Rial (meaning, &c.) saw a young man (meaning the plaintiff) ravishing a cow."

3rd. "Rial (meaning, &c.) saw him (meaning the plaintiff) ravishing a cow." William Harper (the plaintiff meaning) was caught by my son Rial in the act of ravishing a cow."

Judge BLACKFORD held:

1st. That where there is any ambiguity in the words laid, in regard to the person slandered, there must be an introductory averment showing that the plaintiff was the person aimed at. Butcher's Rep. 225; Cro. Charles, 420; Combs's Rep. 225; that the collection in this case is sufficient, for it contains an averment that the words were spoken of the plaintiff, and such statement of facts as to show that the words were spoken of him.

2nd. That the word "ravishing" ordinarily means the having sexual or carnal knowledge, that it is defined to mean "to violate by force," "to debauch," "to defile," "compelling to submit to carnal intercourse," &c.

3rd. That the first class or sets of words in the third count are not actionable in themselves, for the usual signification of the word "foul" is unclean, filthy, dirty, and the phrase "to fall foul" is a common one, meaning "to fall against;" but if the word had been used on this occasion, in a sense to impute the crime of bestiality, and was so understood by the hearers, there should have been a special averment to that effect. 7 Bingh. 119; 11 Munson and Welshy, 256; 16 B. 159; 7 Blackf. 117.

4th. That the second set of words are objectionable, because they do not show with sufficient certainty that the plaintiff was the person referred to by the defendant. That the words "a young man" and "a man" do not point to the plaintiff more than to any other. But whether this uncertainty might have been remedied by an averment, is not decided.

5th. That the word "him" in the third set of words, sufficiently demonstrates the person, without a special inducement to support the innuendoes. Crooke's Eliz. 861; and that no formal colloquium even was necessary to support the set of words in which the plaintiff's name is mentioned. 1 Starkie on Slander 333, 334.

Judgment reversed.

Brewer vs. Thorp. Error to the Randolph Circuit Court.

This was a bill in Chancery to obtain a specific performance. It is alleged in the bill that the defendant had sold to his son a tract of land, for which he was to execute a deed, when requested on or before the 25th day of December, 1846; that his said son had paid for said land, except the sum of fifty dollars and three months labor, and afterwards, on the 10th day of December, 1846, he had assigned the title bond to the complainant. It is also alleged that the said son had performed one and a half months of his labor, but had been hindered from performing the balance; that the complainant had tendered \$71 to the defendant and demanded a deed, which he refused to execute.

Judge SMITH held:

That this bill was rightly dismissed upon the complainant refusing to amend it, because it shows, that the vendee had not performed a certain amount of labor, he was to perform, and does not allege that the performance of it was prevented by the vendor.

Decree affirmed.

Heaton vs. Colgrove. Error to the Randolph Circuit Court.

By an article of agreement Heaton engaged to furnish one double cutting machine at, &c., and Colgrove agreed to furnish a similar one then in his possession, both of which were to be placed in a certain building and run upon certain terms. Neither performed his agreement. Colgrove sued Heaton and obtained a judgment.

Judge PERKINS held:

1. That this judgment must be reversed, because Colgrove had failed to comply on his own part with the agreement made with him.

2. That in this suit, Heaton had a right, on pleading or giving notice of such defence, to show what damage he had sustained by Colgrove's breach of the agreement. Explicitly so. Baily at this term.

3. That instructions, although erroneous, if not excepted to when given, cannot be objected to in this court, because the objection to them is waived.

Judgment reversed.

Burgess vs. Clark. Appeal from the Allen Circuit Court.

This suit was commenced by a writ of domestic attachment, in the Allen Circuit Court. The defence was that the eighteen months previously, and from thence hitherto, the defendant was an inhabitant and resident of the Territory of Wisconsin.

Judge BLACKFORD held:

1. That the declaration of the defendant, when he went away, "that he was going to some of the Western Territories and might or might not return," was admissible evidence, as it was a part of the res gesta.

2. That the post marks on letters, of the genuineness of which there was no controversy, were admissible without proof.

Judgment affirmed.

Do Rags vs. Everett. Error to the Wabash Circuit Court.

This was an action in assumpsit, and was continued at the first term, upon the motion and affidavit of the defendant. At the next succeeding term, the defendant again moved a continuance of the cause upon affidavit. This affidavit referred to the material facts stated in the first affidavit without setting them out in the last affidavit, and the first one was not made a part of the record in this case. The court below refused to grant a continuance, which refusal is the error assigned.

Judge BLACKFORD held:

That the first affidavit not being a part of the record, the second one does not show the facts expected to be proved by the absent witness.

Judgment affirmed.

James Timmons and others vs. Wingate Timmons Admr.

The administrator made application for an order to sell certain real estate of the intestate. The court granted the order. The error assigned is that a final decree was taken against one of the defendants, in an infant, without the appointment of a guardian ad litem for her. To this assignment the administrator pleaded that at the time of the rendition of the decree the said defendant was of full age. The plea was demurred to.

Judge BLACKFORD held:

That this demurrer must be sustained, for if the error appeared upon the transcript, it is correctly taken, and if not the proper plea was nothing in there error; and as this case does not refer to a will, the decision of the court must be governed by what appears on the transcript. R. S. p. 634, sec. 54.

Demurrer sustained.

Forney vs. Goodhue. Error to the Wabash Circuit Court.

In this case it was held that as the testimony given on the trial was not very strong, and the newly discovered evidence which is set out in the affidavit, upon an application for a new trial, was such as to show a new trial ought to be granted, the court below erred in refusing it.

Judgment reversed.

Byrket and others vs. The State on relation of Silvers. Error to the Henry Circuit Court.

This was an action founded on the official bond of a justice. In a former suit between the same parties the relator recovered a judgment for various sums collected by the Justice, and not paid over, but in taking the judgment two of the sums, by mistake, were omitted, for which this suit is now brought. This judgment was pleaded against that suit.

Judge BLACKFORD held:

That under the circumstances, this suit could not be defeated by the former recovery, 8 Blackf. 440; 5 T. R. 607; 2 Johns. 227; 3 B. & Cr. 235.

Symons vs. Smith. Appeal from the Grant Circuit Court.

The only question in this case was whether a part of the consideration of a certain note, was for the part payment of a certain tract of land, for the conveyance of which a decree was asked. It was held that the evidence set out did not sufficiently prove it against the testimony of the complainant.

Decree affirmed.

The Lawrenceburgh R. Road Co. vs. Smith. Error to the Dearborn Circuit Court.

This was a motion to dismiss the writ of error, because the charter of that Company says that, in case like this, the judgment of the Circuit Court shall be final. Local Laws, 1847, p. 8.

It was held that the language of that act was not sufficiently explicit to authorize this Court in saying that such writ will not lie in this case.

Laughlin and others vs. The Trustees, &c., of Lamascos City. Appeal from the Vanderburgh Circuit Court.

Held: That the statute authorizing an appeal from any order granting an injunction, applies in this case, R. S. pp. 636, 637. See Michigan Central R. R. Co. vs. Northern Indiana R. R. Co. at this term.

LAWS OF THE STATE OF INDIANA.

[BY AUTHORITY.]

An Act

To attach the County of Boone to the First Judicial Circuit.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the county of Boone is hereby detached from the Fifth Judicial Circuit, and attached to the First Judicial Circuit, for judicial purposes, and that the circuit courts for said county of Boone from and after the passage of this act, shall commence on the fourth Mondays in May and November in each year, and shall continue twelve days at each term, if the business thereof require it.

SEC. 2. All process made returnable to said court at the time heretofore fixed for holding the sessions thereof, are hereby made returnable on the first day of the term as fixed by this act, and all parties, officers, witnesses, and all other persons are required to take notice of said change as herein made.

SEC. 3. And be it further enacted, That the great and increasing amount of business in the said Fifth Judicial Circuit rendering it probable that the judges thereof will be unable to attend and hold a court for said county of Boone at the time now fixed by law, is such an emergency as to require the immediate taking effect of this act, it is therefore declared that this act shall take effect and be in force from and after its passage.

SEC. 4. This act shall be published in the State Sentinel and Journal; and it is hereby made the duty of the Secretary of State to transmit a copy thereof to the Clerk of the Circuit Court for said county of Boone.

JNO. W. DAVIS,

Speaker of the House of Representatives.

JAS. E. LANE,

President of the Senate.

Approved February 25, 1886.

JOSEPH A. WRIGHT.

THE STATE OF INDIANA.

Office of Secretary of State.

I, Charles H. Test, Secretary of State for the State aforesaid, certify that the foregoing are true, full, and complete copies of the enrolled Acts, now on file in my office.

In witness whereof, I have hereunto set my hand, and affixed the seal of State, at Indianapolis, this 25th day of February, A. D. 1886.

CHARLES H. TEST,

Secretary of State.

HERMAN SCHRADER,

(SUCCESSOR TO CHAS. STORCH).

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